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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,878

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CENGIZ ESMERSONY

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7590

03/22/2007

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EXAMINER

HUGHES, SCOTT A

ART UNIT

PAPER NUMBER

3663

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/604,878

Applicant(s)

ESMERSON ET AL.

Examiner

Scott A Hughes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 12/21/2006 have been fully considered but are not persuasive. Applicant argues that Kan discloses making VSP measurements, and argues that these are conducted using receivers on a wireline. Applicant argues that since VSP is conducted with receivers lowered into the wellbore on a wireline, Kan does not teach generating and sensing seismic waves when the drillbit is disposed in the borehole at certain depths. These arguments are not persuasive because a VSP survey does not need to be carried out with receivers lowered into the borehole on a cable. Although applicant has cited references that teach VSP surveys that use receivers lowered into the borehole on cables or wires that require removing the drill string, other references teach that VSP surveys can be performed without removing the drill string. Applicant's citations of VSP surveys are not representative of all possible VSP survey systems. Other references teach performing VSP surveys using receivers built into the drilling apparatus (See Eaton 6382332). Therefore, applicant's arguments that performing VSP measurements requires the drill string to be removed are not persuasive. Kan discloses performing VSP measurements while drilling, and makes no mention of removing the drill string and drill bit from the borehole to do so. Eaton teaches a method in which this can be done and teaches that having the sensors built into the drill string provides the advantage of not having to remove the drill string from the wellbore to make VSP measurements (Column 7).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 31-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claim 31 includes the limitation that seismic waves are generated and obtained at more locations in a borehole while the drill bit is drilling subsurface formations. Applicant's specification does not teach generating the waves while the drill bit is drilling, and teaches away from doing so by stating that the circulation of mud and the rotation of the drill string are stopped when the seismic waves are generated (see specification paragraphs [0029]-[0035]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-28 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kan in view of Eaton (6382332).

With regard to claim 18, Kan discloses a method of estimating velocity ahead of a drill bit disposed in a subsurface region (Column 8, Line 40 to Column 9, Line 10). Kan discloses obtaining surface seismic data for a region of interest (Column 8, Lines 40-57). Kan discloses during drilling of a borehole traversing the subsurface region, determining a travel time of a seismic wave generated from a surface of the region to a location in the borehole when the drill bit is at selected depths in the borehole (Column 7, Line 66 to Column 8, Line 57). Kan discloses determining a velocity from the travel time and the selected depths (Column 8, Lines 1-57). Kan discloses inverting the surface seismic data to determine a velocity ahead of the drill bit while constraining the velocity between the surface and the drill bit to be consistent with the velocity determined from the travel time (Column 8, Line 40 to Column 9, line 3). Kan discloses that the VSP data is used to replace interval transit times from the surface seismic data with the velocity determined from the VSP checkshot survey to the depths of the borehole that the VSP data was taken. Replacing the velocity constrains it to being the velocity determined from the transit times of the VSP survey in the borehole. Kan does not specifically disclose that the drill bit is left in the borehole when the VSP survey is taken. Kan discloses performing the VSP survey while drilling to obtain real time measurements of the formation surrounding the area being drilled, but does not specifically disclose that these measurements are made with the drill bit still in the wellbore. Eaton teaches performing VSP measurements in a wellbore being drilled and

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teaches using sensors mounted near the drill bit to perform such measurements (Columns 6-7) (Fig. 1). It would have been obvious to modify Kan to include sensors attached to the drill string as taught by Eaton so that the drill string does not need to be removed before making measurements (see Eaton, Column 7).

With regard to claim 19, Kan discloses transforming the velocity ahead of the drill bit into pore pressure of a region ahead of the drill bit (Column 6, Line 20 to Column 7, Line 21; Column 8, Lines 5-57).

With regard to claim 20, Kan discloses that the seismic wave is generated by a seismic source positioned near an opening of the borehole (Column 8, Lines 1-18).

With regard to claim 21, Kan discloses that determining the travel time of the seismic wave comprises detecting the seismic wave from at least one seismic receiver at location in the borehole (Column 8).

With regard to claim 22, Kan does not disclose that the seismic receiver is disposed in a downhole tool near the drill bit. Kan discloses using the receiver during drilling, but does not disclose the location of the receivers used. Eaton teaches a method of determining time-depth check-shots and also obtaining VSP data using a downhole tool 14 that is located near the drill bit 13 (Fig. 1) (abstract; Column 2). It would have been obvious to modify Kan to include using a tool located near the drill bit for the receiver in the borehole in order to be able to take data without requiring that the drillstring be removed or that further devices are placed into the borehole.

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With regard to claim 23, Kan discloses that determining the travel time further comprises measuring the arrival time of the seismic wave detected at the seismic receiver and determining the travel time from the arrival time (Column 8, Lines 10-57).

With regard to claim 24, Kan does not disclose that measuring the arrival time comprises sending the seismic wave detected in the borehole to the surface and processing the detected seismic waves at the surface to determine arrival time. Kan does not disclose where the processing is performed. Eaton teaches that data obtained in receivers in a borehole can be sent to the surface for processing (Column 6, Lines 18-46). It would have been obvious to modify Kan to include sending the data to the surface to be processed as taught by Eaton in order to have a central processing unit at the surface that can perform all of the necessary data processing and also control the survey apparatus.

With regard to claim 25, Kan does not disclose that measuring the arrival time comprises processing the seismic wave detected in the borehole to determine the arrival time and sending the arrival time to the surface via telemetry. Kan does not disclose where the processing is performed. Eaton teaches that the data received in a borehole receiver can be processed in the receiver (Column 5, Lines 55-65; Column 6). It would have been obvious to modify Kan to include performing the processing in the borehole and sending the time to the surface via telemetry as taught by Eaton in order to reduce the data rate to a level commensurate with the link to the surface and to limit the amount of data that needs to be transmitted to the surface.

With regard to claim 26, Kan discloses a method of estimating velocity ahead of a drill bit disposed in a subsurface region (Column 8, Line 40 to Column 9, Line 10). Kan discloses generating seismic waves from a surface of the region while drilling. Kan discloses obtaining seismic wave data associated with the surface generated waves at one or more locations in the borehole (Column 8, Lines 1-57). Kan discloses inverting the obtained seismic wave data with surface seismic data obtained for the region to determine a velocity ahead of the drill bit (Column 8, Line 40 to Column 9, line 3). Kan discloses that the VSP data is used to replace interval transit times from the surface seismic data with the velocity determined from the VSP checkshot survey to the depths of the borehole that the VSP data was taken. Kan does not specifically disclose that the drill bit is left in the borehole when the VSP survey is taken. Kan discloses performing the VSP survey while drilling to obtain real time measurements of the formation surrounding the area being drilled, but does not specifically disclose that these measurements are made with the drill bit still in the wellbore. Eaton teaches performing VSP measurements in a wellbore being drilled and teaches using sensors mounted near the drill bit to perform such measurements (Columns 6-7) (Fig. 1). It would have been obvious to modify Kan to include sensors attached to the drill string as taught by Eaton so that the drill string does not need to be removed before making measurements (see Eaton, Column 7).

With regard to claim 27, Kan discloses transforming the velocity ahead of the drill bit into pore pressure of a region ahead of the drill bit (Column 6, Line 20 to Column 7, Line 21; Column 8, Lines 5-57).

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With regard to claim 28, Kan discloses that the surface seismic data is obtained for the subsurface region before the borehole is formed in the region (Column 6; Column 8, Lines 40-57).

With regard to claim 31, Kan discloses a method of estimating velocity ahead of a drill bit disposed in a subsurface region (abstract; Column 8, Line 40 to Column 9, Line 10). Kan discloses generating seismic waves from a surface region (Column 8, Line 40 to Column 9, Line 10). Kan discloses obtaining seismic wave data associated with the surface generated waves at one or more locations in the borehole (Column 8, Lines 1-57). Kan discloses inverting the obtained seismic wave data with surface seismic data obtained for the region to determine a velocity ahead of the drill bit (Column 8, Line 40 to Column 9, line 3). Kan discloses that the VSP data is used to replace interval transit times from the surface seismic data with the velocity determined from the VSP checkshot survey to the depths of the borehole that the VSP data was taken. Kan does not specifically disclose that the drill bit is drilling when the waves are generated and received at the locations in the borehole. Kan discloses performing the VSP survey while drilling to obtain real time measurements of the formation surrounding the area being drilled, but does not specifically disclose that these measurements are made with the drill bit still in the wellbore. Eaton teaches performing VSP measurements in a wellbore being drilled and teaches using sensors mounted near the drill bit to perform such measurements while drilling (abstract; Column 3; Columns 6-7) (Fig. 1). Eaton teaches that the receiver can be used while the drill bit is working, but states that it is preferable to use the receiver when the drilling is stopped to avoid the

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noise caused by drilling that would interfere with the data being taken. It would have been obvious to modify Kan to include sensors attached to the drill string as taught by Eaton so that the drill string does not need to be removed before making measurements (see Eaton, Column 7).

With regard to claim 32, Kan discloses transforming the velocity ahead of the drill bit into pore pressure of a region ahead of the drill bit (Column 6, Line 20 to Column 7, Line 21; Column 8, Lines 5-57).

With regard to claim 33, Kan discloses that the generating seismic waves is performed according to a predetermined sequence (different depths) and the obtained seismic wave information is performed corresponding to the predetermined sequence (Column 8, Line 1 to Column 9, Line 10).

With regard to claim 34, Kan discloses determining seismic travel times from a position of the generating seismic waves to the one or more locations in the borehole (Column 7, Line 66 to Column 8, Line 57). Kan does not disclose that a processor in the borehole does in the determining. Kan does not disclose where the processing is performed. Eaton teaches that the data received in a borehole receiver can be processed in the receiver (Column 5, Lines 55-65; Column 6). It would have been obvious to modify Kan to include performing the processing in the borehole and sending the time to the surface via telemetry as taught by Eaton in order to reduce the data rate to a level commensurate with the link to the surface and to limit the amount of data that needs to be transmitted to the surface.

With regard to claim 35, Kan discloses determining seismic travel times from a position of the generating seismic waves to the one or more locations in the borehole (Column 7, Line 66 to Column 8, Line 57). Kan does not disclose where the determining is performed. Eaton teaches that data obtained in receivers in a borehole can be sent to the surface for processing (Column 6, Lines 18-46). It would have been obvious to modify Kan to include sending the data to the surface to be processed as taught by Eaton in order to have a central processing unit at the surface that can perform all of the necessary data processing and also control the survey apparatus.

Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kan in view of Eaton as applied to claims 18-28 and 31-35 above, and further in view of Leaney (6917564).

With regard to claim 29, Kan does not disclose that the surface seismic data is obtained for the subsurface region after the borehole is formed in the region. Leaney teaches taking VSP surveys in a borehole and then using the surveys to create models that are used to process surface seismic data (abstract; Column 3, Line 55 to Column 4, Line 68). It would have been obvious to modify Kan to include taking VSP survey data, and then acquiring surface seismic data and processing the surface seismic data as taught by Leaney in order to have a model of the velocity created from the VSP data that can be used to process surface seismic data that is taken in a region.

With regard to claim 30, Kan does not disclose that the surface seismic data is obtained for the subsurface region during drilling of the borehole is formed in the region.

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Leaney shows acquiring VSP and surface seismic data at the same time (Fig. 1) (abstract; Column 3, Line 55 to Column 4, Line 68). It would have been obvious to modify Kan to include taking both the data with the borehole receivers and the surface seismic data receivers at the same time as taught by Leaney in order to obtain a model from the VSP that is accurate for the formation at the time the surface seismic data are obtained.

Conclusion

The cited prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A. Hughes whose telephone number is 571-272-6983. The examiner can normally be reached on M-F 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on (571) 272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SAH



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